



UNITED STATES PATENT AND TRADEMARK OFFICE

88

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,009	02/28/2000	Tomoyoshi Tsurufuji	8203.340	1229

7590 03/13/2003

Liniak Berenato Longacre & White
6550 Rock Spring Drive
Suite 240
Bethesda, MD 20817

EXAMINER

ROWAN, KURT C

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/517,009	Applicant(s) TSURUFUJI et al.	
	Examiner KURT ROWAN	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Dec 10, 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	6) <input type="checkbox"/> Other: _____

Art Unit: 3643

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '195.

The JP '195 patent shows in Figs. 2 and 5 a main body 10, two hoods 11, 20 with hood 11 being movable, a nut member 12 threadingly 31 engaged to the main body for moving the movable nut member 46 relative the main body by rotation. JP '195 shows a click sound generation means 37-38, 51 between the main body and the nut member. The click sound generating means includes a recess, a coil spring 52, and a protrusion 51 on the end of the spring. The protrusion is engageable with one of the recesses 53 which are arranged in an axial direction of the main body.

In reference to claims 1-3, JP '195 does not show the moving hood and nut member in direct contact with each other since washer 50 is located between them. However, it would have been obvious to mount the nut member and the movable hook member in direct contact by eliminating the washer since the omission of an element with the consequent loss of function is obvious. See

Art Unit: 3643

In re Kuhle 188 USPQ 7. In reference to claims 4, 5, 6, and 8, JP '195 shows the click sound installed inside the hood member rather than the nut member, but it would have been obvious to rearrange the location of parts since the function is the same. See In re Japikse, 86 USPQ 70. In reference to claim 7, JP'195 does not show the coil spring, the protrusion and the recesses on other members than the pair of hoods and the nut member, but it would have been obvious to mount the coil spring, the protrusion on other members since the function is the same and no stated problem is solved.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claim 9 is rejected under 35 U.S.C. 102(a) as being anticipated by JP '195 for substantially the same reasons stated in the first Office Action.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6, 8 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's arguments filed Dec 10, 2002 have been fully considered but they are not persuasive. Applicant argues, in reference to claim 9, that the JP '195 fails to disclose the click

Art Unit: 3643

sound generation mechanism is installed between the main body and the nut member and states that the click mechanism is disposed between the washer member 50 and the hood 11. However the exact location of the clicking mechanism is deemed a matter of design choice since that while en general, the clicking mechanism needs to be between the movable hood and rotating nut so that the movement of the nut will signal to the user that the nut needs to be tightened, the function of the click sound generating mechanism will be the same whatever the orientation of the parts is. In reference to claim 7, applicant argues that there is no motivation or suggestion to mount the coil spring and the protrusion on members other than the pair of hoods and the nut member.

In response to applicant's argument that there is no suggestion to mount the coiled spring and the protrusion on other members than the pair of hood members and the nut member, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is generally available to one of ordinary skill in the art since merely an inconsequential switching the location of parts is required. As to the click sound generating mechanism being on the inside of the nut member results in impurities being prevented from entering the click mechanism, JP '195 shows a tight fit between the movable hood and the

Art Unit: 3643

nut member so that impurities can not enter into the clicking mechanism and affect the operation of the unit.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Lu shows another fishing rod having a reel mounting means.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3643

9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KURT ROWAN whose telephone number is (703) 308-2321.

The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-4195 or (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Kurt Rowan

KURT ROWAN

PRIMARY EXAMINER

ART UNIT 3643

March 4, 2003